

1 Your Name: Oliver D. Smith

2 Address: 7 Aldenham Road, Radlett WD7 8AU

3 Phone Number: + 44 07769 176821

4 Fax Number: N/A

5 E-mail Address: oliveratlantis@gmail.com

6 Pro Se Plaintiff

N/P
FILED
FEB 07 2024

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CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10
11 Oliver D. Smith

CV24

0727

AGT

Case Number [leave blank]

12
13 Plaintiff,

COMPLAINT

14 vs.

15 Substack Inc.

DEMAND FOR JURY TRIAL

16 John Doe

Yes ☐ No ☒

17
18
19 Defendant.

20
21 PARTIES

22 1. Plaintiff. [Write your name, address, and phone number. Add a page for additional plaintiffs.]

23 Name: Oliver D. Smith

24 Address: 7 Aldenham Road, Radlett, Hertfordshire WD7 8AU England

25 Telephone: +44 07769 176821

26
27
28 COMPLAINT

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2. Defendants. *[Write each defendant's full name, address, and phone number.]*

Defendant 1:

Name: Substack Inc.

Address: 11 Sutter St 7th Floor San Francisco, CA 94104 United States

Telephone: (571) 730-9882

Defendant 2:

Name: John Doe

Address: Unknown

Telephone: Unknown

Defendant 3:

Name:

Address:

Telephone:

JURISDICTION

[Usually only two types of cases can be filed in federal court, cases involving "federal questions" and cases involving "diversity of citizenship." Check at least one box.]

3. My case belongs in federal court

☐

under federal question jurisdiction because it involves a federal law or right.

[Which federal law or right is involved?]

☒

under diversity jurisdiction because none of the plaintiffs live in the same state as any of the defendants and the amount of damages is more than \$75,000.

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VENUE

[The counties in this District are: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo, or Sonoma. If one of the venue options below applies to your case, this District Court is the correct place to file your lawsuit. Check the box for each venue option that applies.]

4. Venue is appropriate in this Court because:

- ☒ a substantial part of the events I am suing about happened in this district.
- ☐ a substantial part of the property I am suing about is located in this district.
- ☐ I am suing the U.S. government, federal agency, or federal official in his or her official capacity and I live in this district.
- ☒ at least one defendant is located in this District and any other defendants are located in California.

INTRADISTRICT ASSIGNMENT

[This District has three divisions: (1) San Francisco/Oakland (2) San Jose; and (3) Eureka. First write in the county in which the events you are suing about happened, and then match it to the correct division. The San Francisco/Oakland division covers Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Sonoma counties. The San Jose division covers Monterey, San Benito, Santa Clara, Santa Cruz counties. The Eureka division covers Del Norte, Humboldt, Lake, Mendocino counties, only if all parties consent to a magistrate judge.]

5. Because this lawsuit arose in San Francisco County, it should be assigned to the San Francisco/Oakland Division of this Court.

STATEMENT OF FACTS

[Write a short and simple description of the facts of your case. Include basic details such as where the events happened, when things happened and who was involved. Put each fact into a separate, numbered paragraph, starting with paragraph number 6. Use more pages as needed.]

6 Substack Inc. is a company which provides an online platform of subscription newsletters and blogging, whose office and mailing address is located in San Francisco.

On June 17, 2023, plaintiff Oliver Smith ("OS") was threatened and blackmailed on social media by the owner of an anonymous Substack blog/newsletter Cancel Watch ("CW").

On July 5, 2023 CW (on substack.com) published a lengthy defamatory post about OS.

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7 The defamatory post was edited on July 7 and July 11 to add more false and
libellous statements about the plaintiff. The opening line of the post was changed from
"Oliver D. Smith is a British armchair academic" to "Oliver D. Smith is a British internet
stalker". The latter is a false statement of fact, written with malice. OS is not a "stalker".
The opening line was evidently changed to further cause harm to the plaintiff's reputation.

8 CW's post is more than 9000 words and contains dozens of untrue, misleading
and defamatory statements/claims about OS. These include false accusations OS "was
an active member of Stormfront" and "proponent of ideas that were typical of neo-Nazism".
OS has never been a member of the forum stormfront.org nor has ever supported Nazism.
The post also falsely states OS has "contribut[ed] to white supremacist forums" (plural).

9 CW's post falsely states OS denied the Holocaust in 2006 and further links
to a comment he did not write. Sources attempting to link OS to this comment are dubious.
CW's post grossly mischaracterizes OS and largely invents his digital footprint and actions.
The post falsely and maliciously accuses OS of having "canceled" the careers of multiple
academics it describes as intelligence researchers and scholars in behavioral genetics.

10 CW's post incorrectly states OS created Bo Winegard's RationalWiki page and
suggests he was responsible for loosing him his job. Aside from the fact he was not sacked
(his tenure was not renewed), OS never created Bo Winegard's article on RationalWiki nor
sent an email complaint to his employer. The same post makes a similar claim for another
scholar (Noah Carl) which is completely unfounded. OS never contacted Carl's employer.

11 CW's post falsely states OS created Emily Willoughby's RationalWiki article
and insinuates he was responsible for her losing an award. Neither of these claims are true.
CW repeats harmful accusations (without any basis in fact) that OS has targeted scholars
and fired them from their employers. These accusations are defamatory per se. OS is not
responsible for what he has falsely and maliciously been accused of by the author of CW.

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[Copy this page and insert it where you need additional space.]

12 OS recieved abuse by the email used to create the CW on substack.com. The email address is cancel.watch.account@proton.me. One abusive email recieved described OS as having "no meaningful life" and a "pathetic existence". The email is demonstrably the same email used to create CW on substack.com because the email appears on CW at the following webpage: cancelwatch.substack.com/about. OS reported CW's social media account on X and their email address to Proton Mail for harassment on June 26 & 29 2023.

13 The blackmail OS recieved were threats telling him if he did not delete certain articles on RationalWiki ("RW") his life would be ruined. OS has not been an admin on RW since 2019 and has not made edits there since late 2020. Therefore he could not delete the articles requested (Emily Willoughby, Noah Carl, Emil O. W. Kirkegaard and Bo Winegard). CW threatened OS throughout June 2023 with the publication of "a massively embarrassing article with millions of readers" and the CW post if he did not delete the four articles on RW.

14 OS on June 27, 2023 reported the blackmail and harassment to the local police where he lives (Hertfordshire Constabulary) who in July provided him with a crime reference number. OS was informed by Proton Mail that they had disabled CW's email for breaking their terms of service after evidence was presented they were engaging in criminal activity. Proton Mail disabled CW's email on August 4 2023. CW deleted their account on X after realising it would have been suspended. Their X account (@watch_cancel) is now blank.

15 OS continues to be harassed by CW after the CW post was published. The author CW on Substack has tried to maximise harm to OS's reputation by duplicating their post (so it appears on multiple URLs on search engines). At least three URLs are known to have existed on substack.com, although only one of these remains live on the internet: cancelwatch.substack.com/p/oliver-d-smith-299 (OS has screenshots of the deleted URLs). CW had further posted links of these URLs on social media (such as X) before deletion.

16 In July and August 2023, OS's father's employer was emailed the CW post and more defamation about OS by another Proton Mail account linked to CW. OS's father was also emailed the CW post and threats. OS's family continue to be targeted in this way.

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[Copy this page and insert it where you need additional space.]

17. A third Proton Mail account linked to CW sent death threats to OS, as well as hate mail to his address on August 14, 2023. OS has passed on these threats to the police. OS was advised by the police to complain to substack.com about CW since CW breaches their terms of use (content guidelines: "Substack cannot be used to publish content or fund initiatives that incite violence..." and "we don't allow content that promotes harmful or illegal activities"; substack.com/content). OS therefore filed complaints about CW to Substack Inc.

18. OS emailed complaints about CW breaking Substack's terms of use with clear evidence more than a dozen times but no action was taken by Substack who failed to even respond appropriately to OS's reports. Despite the email used to register CW was disabled by Proton Mail for illegal activity including blackmail and OS provided this proof in his many complaints to Substack - CW has still been left online and Substack has failed to remove it. This failure of removal has led OS and his family to be constantly harassed and threatened.

19. OS outlined evidence for content violation on CW many times to Substack but they never investigated or responded to his complaints filed in July, August and September - OS sent his complaints to tos@substackinc.com as well as filed reports for terms of use violation online Substack (by filling in a form and providing evidence) at the below URL: https://support.substack.com/hc/en-us/requests/new?ticket_form_id=360001921412 Substack never once followed up or responded to any of OS's complaints about CW.

20. OS has written multiple letters to Substack Inc but never recieved a response. With reason, he considers Substack to have facilitated blackmail and death threats by not following their own terms of use and removing CW which solely exists for harassment. OS sent a final letter to Substack's mailing address on October 23, 2023. No response was recieved. OS has sent a letter before action to Substack Inc but did not get a response. OS has given up trying to contact Substack and now will proceed to sue them for damages.

21. The owner/author of CW is unknown and is a John Doe. CW is anonymous and has used at least 3 pseudonyms on Proton Mail. CW's defamatory post about OS still remains online and is abusing search-engine results to his name so disinformation shows.

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CLAIMS

First Claim

(Name the law or right violated: California Civil Code §1714 (negligence))

(Name the defendants who violated it: Substack Inc)

[Explain briefly here what the law is, what each defendant did to violate it, and how you were harmed. You do not need to make legal arguments. You can refer back to your statement of facts.]

22. The plaintiff's (OS's) claim is for negligence (personal injury) against Substack Inc for facilitating blackmail and death threats by not deleting CW from their online platform. CW violates Substack's terms of use but Substack negligently has not suspended CW; OS continues to be harassed by CW. Substack unreasonably failed to respond to complaints.

23. Substack's terms of use states inciting of violence/physical threats are against their policy. Despite this, Substack have not removed CW from their platform when CW's email used to register at substack.com has been disabled by Proton Mail for harassment and criminal activity after OS provided evidence and has further reported CW to the police.

24. Plaintiff (OS) continues to be harmed by CW. Its post about OS are inciting threats on his life based on false accusations he has fired scholars from their employers. Substack's terms of use states it does not allow content that promotes harmful activities yet it unreasonably has still not removed CW which is causing and inciting harm to OS.

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DEMAND FOR RELIEF

[State what you want the Court to do. Depending on your claims, you may ask the Court to award you money or order the defendant to do something or stop doing something. If you are asking for money, you can say how much you are asking for and why you should get that amount, or describe the different kinds of harm caused by the defendant.]

30 Plaintiff (OS) seeks \$1,000,000.00 (1 million) in compensatory damages by each plaintiff for emotional distress and suffering caused to plaintiff as well as deletion of the CW post. Plaintiff furthermore seeks unspecified punitive damages from Substack Inc.

DEMAND FOR JURY TRIAL

[Check this box if you want your case to be decided by a jury, instead of a judge, if allowed.]

☐ Plaintiff demands a jury trial on all issues.

Respectfully submitted,

Date: 22/01/2024

Sign Name:



Print Name:

Oliver D. Smith

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